

Message Text

CONFIDENTIAL

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ACTION L-01

INFO OCT-01 SS-14 ISO-00 EUR-08 INR-05 OES-02 DLOS-02
SAL-01 IO-06 EB-03 CIAE-00 NSC-05 NSCE-00 SSO-00
INRE-00 SP-02 AF-04 /054 W
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O R 151117Z JAN 77
FM AMEMBASSY DAKAR
TO SECSTATE WASHDC IMMEDIATE 7894
INFO USMISSION GENEVA
AMEMBASSY OTTAWA
AMEMBASSY THE HAGUE

C O N F I D E N T I A L DAKAR 0350

LIMDIS

E.O. 11652: GDS
TAGS: PLOS PBOR PFOR PINR ICJ CA SG
SUBJ: POSSIBLE CANADA-US ICJ SUBMISSION ON OFFSHORE BOUNDARY
QUESTION

REF: STATE 5301

1. SUMMARY: EMBASSY HAS SCANT INFORMATION ON ICJ JUDGE FORSTER, WHO SPENT MOST OF CAREER IN JUDICIAL POSTS IN FRENCH COLONIES AND JOINED ICJ FOURTEEN YEARS AGO. HOWEVER, NEITHER SENEGALESE RELATIONS WITH CANADA OR LOS ISSUES WITH NEIGHBORING STATES SHOULD PREJUDICE FORSTER, AND EMBASSY STRONGLY DOUBTS THAT GOS WOULD ATTEMPT TO INSTRUCT HIM. WE THUS KNOW OF NO REASON WHY HE WOULD NOT WEIGH CASE ON MERITS, BUT SUGGEST REVIEW OF DEPARTMENT BIO FILES AND OF PAST ICJ DECISIONS FOR ANY CLUES THEY MAY OFFER. END SUMMARY.

2. ISAAC FORSTER OF SENEGAL TOOK HIS LEGAL TRAINING IN FRANCE AND SPENT MOST OF HIS CAREER IN JUDICIAL POSTS IN THE FRENCH COLONIES, WITH SERVICE IN GUINEA, REUNION, TOGO
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AND ELSEWHERE, BECOMING ATTORNEY GENERAL OF SENEGAL IN 1959. FORSTER HAS BEEN MEMBER OF ICJ SINCE 1963 AND RETURNS HOME ONLY INFREQUENTLY. ALTHOUGH EMBOFFS ARE ACQUAINTED WITH SOME OTHER MEMBERS OF FORSTER FAMILY IN DAKAR, FORSTER HIMSELF IS NOT KNOWN TO US AND EMBASSY HAS NO WAY OF KNOWING HIS LEGAL PHILOSOPHY OR

WHAT HIS IDEAS MAY BE ON LOS MATTERS. WE WOULD ASSUME THAT BEST

GUIDE WOULD LIE IN REVIEW OF ICJ DECISIONS IN WHICH FORSTER HAS TAKEN PART. DEPARTMENT'S BIO FILES MAY ALSO CONTAIN INFORMATION WHICH HAS NOT BEEN MAINTAINED IN EMBASSY RECORDS.

3. SENEGAL HAS VIGOROUS TRADITION OF JUDICIAL INDEPENDENCE (SEE DAKAR 0174) AND WE FIND IT HARD TO IMAGINE THAT GOS WOULD ATTEMPT TO INSTRUCT SENEGALESE JUDGE ON ICJ OR THAT FORSTER, GIVEN HIS BACKGROUND, WOULD DEFER TO SUCH INTERFERENCE IF ATTEMPTED.

4. PRIMARY SENEGALESE INTEREST IN LOS NEGOTIATIONS IS PROTECTION OF FISHING RIGHTS WITHIN 200-MILE EXCLUSIVE NATIONAL ECONOMIC ZONE. DELIMITATION OF OFFSHORE BOUNDARIES WITH NEIGHBORING STATES HAS NOT BECOME MAJOR PROBLEM DESPITE PRESENCE OF STRIP OF GAMBIA WATERS IN MIDST OF EXCLUSIVE SENEGALESE ZONE; GOS STRATEGY INSTEAD HAS BEEN TO DRAW NEIGHBORING COASTAL STATES TOGETHER TO COORDINATE POSITIONS ON LOS ISSUES AND ESTABLISH COMMON FRONT AGAINST UNAUTHORIZED FOREIGN FISHING FLEETS (76 DAKAR 6860).

5. BOTH CANADA AND US ENJOY WARM AND ACTIVE RELATIONS WITH SENEGAL, AND EMBASSY DOES NOT BELIEVE THAT THESE TIES SHOULD CONTRIBUTE TO FAVORITISM IN EITHER DIRECTION ON FORSTER'S PART.

6. EMBASSY HESITANT TO SPECULATE ABOUT 73-YEAR-OLD JUDGE WHO HAS LIVED OUTSIDE SENEGAL MAJORITY OF TIME SINCE BEGINNING HIS SECONDARY EDUCATION AND WHO HAS NOT HELD POSITION HERE FOR FOURTEEN YEARS, BUT WE KNOW OF NO REASON TO SUPPOSE THAT FORSTER COULD NOT BE RELIED ON TO WEIGH SUBJECT CASE ON ITS MERITS.
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AGGREY

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